SUPPLEMENTAL AFFIDAVIT OF ANN M. LOPEZ
IN SUPPORT OF REPLY COMMENTS
OF RHYTHMS LINKS INC.

REDACTED—FOR PUBLIC INSPECTION

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Application by SBC Communications, Inc.,	)	
Southwestern Bell Telephone Company,	)	CC Docket No. 00-4
And Southwestern Bell Communications	)	
Services, Inc. d/b/a Southwestern Bell Long	)	
Distance for Provision of In-Region	)	
InterLATA Services in Texas	)	

SUPPLEMENTAL AFFIDAVIT OF ANN M. LOPEZ
IN SUPPORT OF REPLY COMMENTS
OF RHYTHMS LINKS INC.

I, Ann M. Lopez, being of lawful age declare as follows:

1. My name is Ann M. Lopez. I previously filed a joint affidavit with Fred Baros at the Commission in support of Comments filed by Rhythms opposing SWBT's Section 271 application. I am filing this supplemental affidavit to underscore serious deficiencies in SWBT's application as well as the numerous ex parte revisions to that application. The most serious deficiencies that I noted relate to incorrect and incomplete performance data reported by SWBT regarding DSL loop orders placed by Rhythms. Additionally, I discuss the ways in which the performance measures themselves are flawed. Finally, I discuss why SWBT's "process changes" relied on by the Texas Public Utilities Commission ("PUC") are not sufficient to ensure competition in the DSL market in Texas.

Performance Measurement Data

2. It is my understanding that SWBT is obligated to provide each CLEC with access to data regarding compliance with performance measures developed in the Section 271 collaborative process in Texas. These data were to be posted on

SBC's secure website.[1] Rhythms unsuccessfully checked the website over the last three months in an effort to obtain our CLEC-specific data. Although Rhythms found pointers indicating that performance measure data for CLECs were on the website, Rhythms could find none that pertained to itself. Only after contacting our account manager to determine the problem, did data for Rhythms appear on the website. As a result of SWBT's failure to post the data as it was required to do, Rhythms obtained access to its data on the website for the first time on February 14, 2000, two weeks after Rhythms filed opening comments in the Commission's Section 271 proceeding.

3. Review of the Rhythms-specific data reported by SWBT verifies that SWBT's data is unreliable. With respect to Rhythms, the data are in error or incomplete for most relevant performance measures ("PMs"). In addition, the data provided were difficult to interpret due to lack of detail or explanation. Consequently, the data cannot be relied on by the Commission as an accurate representation of SWBT's performance, especially with regard to DSL loops. The problems identified with the PMs are discussed below

4. Data for PM 5, Percent Firm Order Confirmation ("FOC") received, are incorrect and create a misleading impression. SWBT's data indicated that BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL FOCs were returned to Rhythms from October through December. This number is inconsistent with Rhythms data showing that BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops were provisioned during that time period and with the

[1] The website for SBC's secure website is: https://www.CLEC.SBC.com.

BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops orders through the end of the year. Rhythms requires additional data to reconcile this inconsistencies. It is unclear why SWBT would report return of FOCs but then report 0 for DSL loop installation intervals. These data suggest that SWBT did not successfully provision any of the orders for which FOCs were returned, which is incorrect.

5. SWBT's statistic for PM 5, regarding return of FOC, is extremely misleading. SWBT's practice has been to report only the amount of time spent by a SWBT employee processing a FOC after the receipt of a "complete and accurate" order. This approach fails to capture the total time spent on an order. For example, one of Rhythms orders that I personally submitted had to supplemented multiple times over the period of one week due to various "errors" with the orders. Rhythms ordering difficulties were caused by SWBT's failure to offer any specific training for ordering DSL loops until after Rhythms had begun placing orders, including this one. Because SWBT had not provided any information or instructions on the precise codes and information required in various ordering fields for DSL loops, I was forced to guess, and determine the correct entries through trial and error. After the last of Rhythms' repeat submissions for the order, a FOC was returned within 24 hours, and SWBT has apparently reported this order as timely returned. Despite the fact that it actually took one week to return a FOC, SWBT's data create the misleading impression that the total time for return of FOC was less than 24 hours. This under reporting of time to return a FOC is a good example of the weaknesses in the Texas performance measures, and underscore the need for a

DSL-specific set of measures. A more accurate, and less misleading measurement of return of FOC is to calculate the period from the time an order is first submitted by a CLEC to the time a CLEC actually receives the FOC. At the least, this period should be reported in addition to the return of FOC period reported by SWBT in the performance measurement data.

6. I also notice that SWBT's data shows a dramatic decrease in performance for return of FOC to CLECs. In September SWBT states that it returned 100 percent of FOCs to Rhythms within 24 hours. However, during November, the percentage dropped by 20% to 80 percent FOCs returned within 24 hours. Data for the next two months show a continuing decline: only 72.2% of FOCs were returned within 24 hours in November and only 63% of FOCs were returned within 24 hours in December. This substantial drop in performance is especially disturbing because the total number of loop orders reported by SWBT during this four month period was BEGIN CONFIDENTIAL*** *** END CONFIDENTIAL. If SWBT is experiencing such serious performance problems with this small number of loop orders, it is clear that SWBT's OSS can't support CLECs' needs. My experience with Pacific Bell, SWBT's sister company is quite different. Pacific Bell returns a FOC within 24 hours virtually 100 percent of the time on commercial volumes of loop orders.

7. SWBT's report for PM 6, which apparently reports the average time to return an FOC, could not be located at all for Rhythms. Therefore, Rhythms has no data to analyze.

8. SWBT's report for PM 55.1, which reports average installation interval for DSL loops, contains no data for Rhythms; all fields report 0. These data are inconsistent with Rhythms' data, which show that BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops were provisioned between October and December 1999. Therefore, SWBT's data should be non-zero.

9. SWBT's report for PM 56, which reports the percentage of loops installed in a specified number of days, is incomplete because it does not report data for DSL loops. The report is also incorrect. SWBT's report for ISDN BRI loops is 0 for Rhythms, even though Rhythms had BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL such loops provisioned during the reporting period. SWBT also reports 0 for 8.0 dB UNE loops. If this measure is intended to capture DSL loops, then a 0 report is incorrect.

10. Data for PM 57, which reports average response time for return of loop makeup data, contains incorrect information. SWBT reports that its average response time was between 1 and 2 hours from October through November. However, Rhythms typically received loop makeup information in 5 to 10 days.

11. Data for PM 58, which reports the percentage of SWBT-caused missed due dates, are inaccurate. SWBT reports there were no missed due dates for DSL loops, but SWBT reports that Rhythms had only BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL DSL loop orders. SWBT's report is completely inaccurate since Rhythms provisioned BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops during the reporting period. Many of these loop orders had missed due dates. PM 58 also reports that half of Rhythms' ISDN BRI loop

orders in November had missed due dates caused by SWBT. This poor performance is especially alarming given that Rhythms ordered BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL BRI loops during the reporting period. If SWBT's processes result in a 50 percent failure rate at low volumes, Rhythms expects SWBT's performance will get worse at higher volumes.

12. Data for PM 59, which reports the percentage of trouble reports for DSL loops within 30 days, are inaccurate. SWBT's report lists only BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL circuits. Because this report provides a statistical measurement of trouble reports, I assume SWBT would have measured all loops provisioned for Rhythms. As stated above, Rhythms had more than BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops provisioned during the reporting period. More troubling, though, is the huge disparity between the occurrence of trouble reports for Rhythms as compared to SWBT. According to SWBT's own data, Rhythms had 61.6 percent more trouble reports than its own DSL operations. As discussed below (PM 65), SWBT reports a similar imbalance. Such large disparity indicates that SWBT does not handle CLEC orders for DSL loops in a non-discriminatory manner.

13. Data for PM 60, which reports missed due dates due to lack of facilities, contains incorrect data. SWBT reports that it missed a due date due to lack of facilities for only BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops in October through December. However, Rhythms data indicate that the actual number is BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL loops,

almost BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL times as many loops as reported by SWBT.

14. Data for PM 62, which reports average delay days for SWBT-caused missed due dates, is inconsistent both with SWBT's own data reported in other categories and with Rhythms' internal data. SWBT reports 0 delays due to SWBT-caused missed due dates. However, in PM 58, SWBT reports that half of Rhythms' BEGIN CONFIDENTIAL *** *** END CONFIDENTIAL ISDN loop orders placed in November had SWBT-caused missed due dates. The data in PM 58 is consistent with Rhythms' internal data, which shows that Rhythms experienced SWBT-caused missed due dates for delays for BEGIN CONFIDENTIAL *** *** END CONFIDENTIAL IDSL orders due to incompatible cards in SWBT's D*scus equipment. The cards in that unit were finally replaced, but the loop ordes were delayed substantially. Thus, SWBT's report of 0 for average delay days in PM 62 is inconsistent with SWBT's own data reported in other categories, and with Rhythms' data.

15. Data for PM 64, which reports the number of orders cancelled after SWBT-caused missed due dates, are completely inaccurate. SWBT reports that Rhythms had 8 such orders cancelled in March 1999, but Rhythms did not have collocation and at that time and was not able to begin placing loop orders until October 1999. Rhythms had orders cancelled in 1999 due to substantial delays in SWBT provisioning loops, but SWBT reports 0 cancellations for all other months in 1999 for Rhythms.

16. SWBT's report for PM 65, which reports percentage of trouble reports, contains incorrect data. SWBT reports that Rhythms submitted only five trouble tickets between October and November, however, Rhythms data indicates that BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL trouble reports were submitted during that period. Further, SWBT's data for PM 65 indicates that for December of 1999, Rhythms has a much higher percentage of trouble reports than SWBT. According to SWBT's data for December 1999, Rhythms had a 50 percent occurrence of trouble reports per loop, compared to 5.18 percent for SWBT. Thus Rhythms had ten times as many trouble reports on its loops than did SWBT's internal operations.

Inadequacies of Texas Performance Measures

17. In addition to problems with SWBT's data reporting, the performance measures developed in the Section 271 process in Texas are inadequate. Those PMs do not provide a comprehensive or accurate picture of SWBT's performance in provisioning DSL loops in Texas. As an initial matter, many of the performance measures do not provide disaggregated information for DSL loops. In addition, some of those measures do not capture functionalities specific to DSL loops. For example, PM 58 and its associated business rules use installation intervals for DS1 circuits as the SWBT retail analog benchmark comparison for installation intervals of DSL loops.

18. The selection of DS1 circuits as the retail analog is troubling in at least three respects. First, DSL loops and DS1 lines are not a valid comparison. Unlike DSL loops, DS1s are designed circuits, which require additional engineering for

provisioning. Obviously, the appropriate comparison would be SWBT's retail DSL services. Second, this faulty comparison highlights the fact that SWBT's performance measures were developed primarily for POTs and other non-DSL services, with haphazard modifications or substitutions to try to address DSL loop provisioning. In addition, PM 58 was developed before there was significant deployment of DSL service in Texas.

19. Third, SWBT's comparison of DSL loops to DS1 lines is an ominous reminder of SWBT's outlawed spectrum management policy, known as Binder Group Management/Selective Feeder Separation ("BGM/SFS"), which the Texas PUC held discriminates against CLEC DSL providers. Because DS1 lines are known disturbers, they are assigned to separate binder groups to avoid interference with other services deployed on adjacent loops in the binder group. By comparing CLECs' DSL loops to DS1s, SWBT may have an opportunity to assign DSL circuits to binder groups for DS1 circuits.

Intervals for Conditioning DSL Loops

20. It is my understanding that SWBT has suggested that it believes the PMs for intervals for provisioning conditioned loops are inadequate, and have asked the Commission to set a longer interval for CLECs than for SWBT's own retail DSL services. SWBT apparently tries to justify the longer interval by arguing that CLECs deploy DSL services on longer loops than SWBT. Based on my experience as an engineer at Pacific Bell, I disagree with this assertion. While it is true that longer loops could require removal of additional devices than shorter loops, I believe that, on average, there should be only a small incremental

difference in the *total time* required to condition DSL loops deployed by SWBT and its DSL competitors.

21. In order to provide DSL service, it is sometimes necessary to remove load coils that were required to provide analog voice service in older plant designs. Under SWBT's outside plant design rules, which SWBT claims comply with industry standard outside loop plant design rules, copper loops are designed to a maximum resistance of 1300 ohms. Depending upon the cable gauge of a particular loop, this maximum resistance equates to a loop length of approximately 18,000 feet. The industry-standard Revised Resistance Design Rules, which have been in effect for over 15 years, do not call for load coils to be placed on loops until the loop length exceeds this approximate distance. Thus, loops used by SWBT and by CLECs that are less than 18,000 feet in length should not be loaded. If any such loops are loaded, in violation of the industry-standard design rules, SWBT and CLECs should have an equal likelihood of using such a loop, and therefore needing to have any load coils removed from such a loop. As a result, the DSL loops deployed by CLECs will require no more conditioning time than the DSL loops deployed by SWBT.

22. Even in those cases where CLECs deploy DSL services on loops over 17,500 feet, these loops should not require significantly more conditioning time than the loops deployed by SWBT. Rhythms rarely deploys non-IDSL DSL services on loops longer than 22,000 feet (IDSL services can be deployed on loops of any length, because IDSL can be deployed on loops that are ISDN capable). Even where Rhythms deploys DSL services on loops with lengths ranging between 18,000 and

22,000 feet, it usually does so on loops that are *not loaded.* These longer non-loaded loops are available because heavier gauge cable has been deployed in the loop plant, and as a result, loops of up to 22,000 feet can be utilized while still remaining within the resistance constraint of 1300 ohms. Even if a loop in this 18,000 to 22,000-foot range is loaded, it should not take SWBT significantly more time to remove the loads. Such a loop will have a maximum of four load points, which is only one load point greater than the loaded loops discussed in the previous paragraph. The time to remove this additional load point would be minimal, and indeed could be scheduled to occur simultaneously with the removal of other load coils. Thus, even for these "longer loops" the conditioning time for a CLEC loop should not exceed the conditioning time for SWBT's own retail operations.

23. Given that more than 85 percent of Rhythms' DSL loops are deployed on DSL loops shorter than 17,500 feet, it is appropriate to establish identical conditioning intervals for provisioning CLECs such as Rhythms and SWBT's retail DSL services. However, if the Commission wishes to intervene and establish other conditioning intervals, the Commission should require SWBT to establish separate performance measures for loops over 17,500 feet.

SWBT Process Changes

24. I understand from Comments filed by the Texas PUC that SWBT agreed on December 16, 1999 during an open meeting to "process changes." On of the process changes to which SWBT agreed was to offer acceptance testing on a per loop basis to CLECs. Loop acceptance testing provides a CLEC an opportunity to

test and verify that a loop is actually working *prior* to loop turnover by SWBT. Such testing should not be confused with coordinated testing, which is jointly performed at the time of loop turnover by the CLEC and SWBT. Such testing is far less useful than acceptance testing, because it is performed at a point so late in the provisioning process that nothing can be done to resolve problems except submit a trouble ticket, which can be a slow and cumbersome process.

25. Rhythms has been asking SWBT to provide acceptance testing since October, 1999 when it first was able under the Interim Agreement to began placing loop orders in Texas. Despite repeated requests from Rhythms for acceptance testing, SWBT refused to provide it until early February 2000. A SWBT employee informed Rhythms last fall that it would not provide acceptance testing because such functionality is not expressly required in Rhythms' Interim Agreement. Acceptance testing is available in SWBT's T2A, generally available interconnection agreement for CLECs. SWBT's advanced services affiliate has adopted the T2A, so it apparently will receive acceptance testing for its loops.

26. Although Rhythms is glad that SWBT has finally acted on a function that Rhythms has been requesting for almost six months, the terms under which SWBT provides acceptance testing significantly diminish its usefulness. SWBT will not perform loop acceptance testing until the day of loop turnover. This approach is in sharp contrast to that of Pacific Bell, SWBT's sister company in California. Pacific Bell provides acceptance testing to CLECs three days prior to loop turnover. This lead-time is critically important, because if there is a problem with the loop, the CLEC can reject it, and Pacific Bell then has several days to

resolve the problem. Just as important, the CLEC has an opportunity to notify its customer in advance that there may be a delay in providing DSL service.

27. This concludes my affidavit.

AFFIDAVIT OF ANN M. LOPEZ

I, Ann M. Lopez, am of lawful age and declare that I am authorized to provide the foregoing statement of behalf of Rhythms Links Inc. I have read the foregoing statement and the information contained in the foregoing is true and correct to the best of my knowledge and belief.

Executed this 22 day of February, 2000 at San Ramon, California.

Ann M. Lopez
Rhythms Links Inc.
Program Manager

CERTIFICATE OF SERVICE

I, Stanley M. Bryant, do hereby certify that on this 22nd day of February, 2000, I have served a copy of the foregoing document via * messenger, and U.S. Mail, post pre-paid to the following:

Stanley M. Bryant

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Before the
Federal Communications Commission
Washington, D.C. 20554

In re Applications of AMERITECH CORP.	)	
Transferor,	)	
AND	)	
SBC COMMUNICATIONS INC.,	)	CC Docket No. 98-141
Transferee,	)	
For Consent to Transfer Control of	)	
Corporations Holding Commission Licenses	)	
and Lines Pursuant to Sections 214	)	
and 310(d) of the Communications Act	)	
and Parts 5, 22, 24, 25, 63, 90, 95 and 101	)	
of the Commission's Rules	)	

NOTIFICATION OF UNRESOLVED ISSUES IN DISPUTE REGARDING SOUTHWESTERN BELL CORPORATION'S PHASE I PLAN OF RECORD

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February 7, 2000

Rhythms Links, Inc. ("Rhythms"), MCI WorldCom, Inc. ("MCI WorldCom"), AT&T, Sprint, and NorthPoint Communications, Inc. ("NorthPoint") (referred to jointly herein as "CLECs") hereby submit this notification of unresolved issues in dispute regarding Southwestern Bell Corporation's ("SBC") Phase I Plan of Record ("POR"). This notification is made pursuant to requirements of the Federal Communications Commission ("Commission") in Appendix C, paragraph 15c(2) of the SBC/Ameritech merger order.1 The CLECs request that the Commission decline to approve SBC's submission, filed concurrently with this notification, regarding its Phase I Plan of Record until SBC fully complies with the procedural requirements of the Merger Order and resolves all disputed issues.

I. BACKGROUND

On December 6, 1999, SBC made available on its secure websites a Plan of Record discussing the present method of operation ("PMO") for the operations and support systems ("OSS") that support pre-ordering and ordering of unbundled network elements ("UNEs").[2] SBC provided a PMO for each of its four service territories – Pacific Bell/Nevada Bell, Southwestern Bell Telephone, Ameritech Information Systems, and Southern New England Telephone ("SNET"). In addition, SBC provided a description of a unified future method of operation ("FMO") that it intended to make available across its 13-state region.

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[1] In re Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For consent to Transfer For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95 and 101 of the Commission's Rules, (rel. October 8, 1999) ["Merger Order"].

[2] Although SBC posted the POR on TCNet in the Ameritech region, it did not indicate that CLECs could file comments regarding the proposal. In its other regions SBC included a notification that CLECs could file comments.

CLECs submitted detailed comments expressing numerous concerns about SBC's Phase I Plan of Record on January 6, 2000. In response, SBC scheduled a workshop on January 19, 2000 to discuss and resolve the CLECs' concerns. At the conclusion of the January 19, 2000 meeting, held in Dallas, Texas, the positions of the CLECs and SBC were far apart, with no agreement reached regarding CLECs' concerns. Part of the reason for the lack of agreement was SBC's insistence that discussions at the workshop could center only on a limited subset of issues that SBC deemed to be "inside the scope of the POR." Therefore, a second set of meetings, for February 1 and 2, 2000, were scheduled also in Dallas, Texas.

On January 28, 2000, shortly before the next workshop, SBC circulated a set of minutes taken by an SBC employee at the January 19, 2000 meeting to some of the CLEC attendees. CLECs had specifically requested the ability to review and correct or add to the minutes prior to the next set of workshops so that all parties had a common understanding of the issues to be addressed. Not only were the minutes circulated too late for CLECs to have a meaningful opportunity to review them, but even a cursory examination revealed numerous substantial discrepancies between various CLEC attendees' notes and representations made in the minutes. For example, CLEC attendees specifically asked that any subject SBC considered to be "outside the scope of the POR" be identified as an open issue. However, when SBC circulated an updated matrix of CLEC issues, subjects considered to be outside the scope of the POR were identified as "resolved." Therefore, to ensure that a full and accurate record would be available to the Commission and all attendees, the CLECs jointly agreed to have a court reporter present to record the entire two-day workshop on February 1 and 2, 2000. SBC initially opposed

the presence of the court reporter, but eventually agreed on the condition that it could have present a second court reporter.

Although the presence of a court reporter significantly facilitated the full and open exchange of issues, CLECs were still hampered by the unduly narrow view taken by SBC as to what topics were or were not allowed to be discussed at the workshop. CLECs made clear that they did not agree with SBC's interpretation of what issues were "inside the scope of the POR" but agreed to move forward with topics SBC identified as appropriate.[3] Thus, working within SBC's limitations, the CLECs suggested a list of 13 specific requests for modifications to SBC's OSS and SBC agreed. SBC indicated it will file an addendum to its Phase I Plan of Record reflecting those areas of agreement, which are briefly summarized below. However, as discussed below, there were numerous significant issues on which agreement could not be reached between the CLECs and SBC. Some of those issues could not be resolved after discussion at the POR workshops, while many other issues could not be resolved due to SBC's insistence that the matters were "outside the scope" of the POR and SBC's refusal to discuss or negotiate on these matters.

II. SBC Did Not Comply with Requirements of the Merger Order

Pursuant to the Merger Order,[4] SBC was required to file a publicly available Plan of Record (Phase I), which must consist of "an overall assessment of SBC's and Ameritech's existing Datagate and EDI interfaces, business processes and rules, hardware capabilities, data capabilities, and differences, and SBC/Ameritech's plan for developing

[3] Transcript of February 1 Workshop, 82-84 [February 1 Transcript]. Cited excerpts from the transcript are provided at Attachment A.

[4] Merger Order, Appendix C, paragraph 15c(1).

and deploying enhancements to the existing Datagate or EDI interfaces for pre-ordering xDSL and other Advanced Services components and enhancements to the existing EDI interface for ordering xDSL and other Advanced Services components . . . ." CLECs then have 30 days to request enhancements to SBC's proposals in the Plan of Record.[5] If any CLEC requested enhancements, Phase II begins, during which SBC is required to work collaboratively with CLECs in a series of workshops to obtain a written agreement on OSS enhancements that should be included in the Phase I Plan of Record, and a plan for development and deployment for the agreed to enhancements. That written agreement must be filed with the Commission within 30 days from the start of Phase 2.

A. SBC Unduly Limited the Scope of the POR Workshops

The clear intent of the Commission's directive regarding the content of SBC's Phase I POR was a comprehensive "overall" assessment of the current and future state of SBC's OSS used for pre-ordering and ordering, including technical capabilities, business rules and processes. However, SBC imposed an unduly restricted scope of the Commission requirements, insisting repeatedly that the only allowable topics were enhancements to Datagate and EDI. In other words, any topic not strictly limited to the coding and field changes being made to Datagate and EDI were not allowed. For example, SBC was unwilling to discuss whether and how modifications would be made to front-end systems and graphical interfaces used by CLECS to access SBC's OSS databases and back-end systems that process inputs made through Datagate and EDI. Thus, CLECs were seriously handicapped in knowing what modifications should be requested for Datagate and EDI, or what the true effect of these modifications would be

[5] Merger Order, Appendix C, paragraph 15c(1)(B).